

**Enrolled Minutes of the Sixteenth Regular Meeting
Of the Twenty-Sixth Highland Town Council
Monday, September 08, 2008**

Study Session. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, September 08, 2008 at 6:30 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark A. Herak, Dan Vassar, Brian Novak and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent meeting.
2. The Town Council discussed Ordinance No. 1405, regarding a comprehensive amendment to the Parks and Recreation Chapter and the restoration of language to the marked up version that would prohibit even the Town Council from approving a waiver of the alcohol prohibition in Parks.

The discussion included consideration of whether or not the Town Council should prohibit alcohol in all public places, public ways and public buildings. The discussion included the sentiment among some members of the Council opposing permitting the Chamber of Commerce beer tent in conjunction with the annual Zest Fest. In recent years the Chamber has operated a beer tent outside of the Main Square Park on Highway Avenue, as part of its "Zest Fest".

The study session ended at 6:55 O'clock p.m.

Regular Meeting. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, September 08, 2008 at 7:00 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President Bernie Zemen presided and the Town Clerk-Treasurer was present to memorialize the proceedings.

The session was opened with the Town Councilor Konnie Kuiper leading the pledge of allegiance to the United States Flag and offering a prayer.

Roll Call: Councilors Bernie Zemen, Mark A. Herak, Dan Vassar, Brian Novak and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Town Council Attorney; John Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; Kenneth J. Mika, Building Commissioner; William R. Timmer, CFOD, Fire Chief; Cecile Petro, Redevelopment Director and Alex M. Brown, CPRP, Parks and Recreation Superintendent.

Lisa Gauthier of the Special Events Advisory Committee; and Ed Dabrowski of the Park and Recreation Board were also present.

Minutes of the Previous Session

The minutes of the regular meeting of 25 August 2008 were approved by general consent.

Special Orders:

1. Pre-Adoption Hearing of the Proposed Fiscal Year 2009 Budget for the Town of Highland.

- (a) Verification of Proofs of Publication. The Town Attorney indicated that the Proofs of publication were in compliance with IC 5-3-1.
- (b) Introduction of **Proposed Ordinance No. 1405**: An Ordinance of Appropriations and Budget Levies and Rates for the 2009 Budget. Councilor Vassar introduced and filed Ordinance No. 1405. There was no further action pursuant to IC 6-1.1-17.

Pursuant to IC 6-1.1-17 et seq., consideration of the proposed ordinance for adoption cannot take place sooner than ten (10) days following the pre-adoption hearing. Consideration for passage and adoption of the Proposed Ordinance will be at a **special** meeting of the **Town Council, Tuesday, September 30, 2008 at 7:00 p.m.**

Fund Name	Budget Estimate	Maximum estimated Funds to be raised	Excessive Levy Appeals	Current Tax Levy**
Corporation General	\$ 8,108,328	\$ 5,957,145	\$ -	\$ 5,154,660
Parks & Recreation	\$ 1,858,000	\$ 1,125,500	\$ -	\$ 1,016,786
Police Pension	\$ 748,362	\$ 474,800	\$ -	\$ 167,494
Redevelopment General	\$ 155,160	\$ 155,281	\$ -	\$ 115,996
Redevelopment Capital	\$ 400,100	\$ -	\$ -	\$ 42,008
Motor Vehicle Highway	\$ 980,161	\$ -	\$ -	
Local Roads & Streets	\$ 394,449	\$ -	\$ -	
Mun Cum Cap Dev	\$ 360,846	\$ 213,799	\$ -	\$ 200,000
Special Events Non Rev	\$ 55,780	\$ -	\$ -	\$ -
Cum cap Improvement	\$ 182,000	\$ -	\$ -	\$ -
Corporation Bonds & Int.	\$ 325,164	\$ 430,527	\$ -	\$ 178,133
Redevelopment Bond & Int	\$ 607,281	\$ 438,928	\$ -	\$ 639,672
Park Bond & Lease	\$ 537,278	\$ 537,892	\$ -	\$ 527,275
Solid Waste Dist. Grant	\$ 122,975	\$ -	\$ -	\$ -
Law Enf. Cont. Ed.	\$ 31,400	\$ -	\$ -	\$ -
Inf Com Tech	\$ 182,090	\$ -	\$ -	\$ -
Parks/VIPS Public Safety	\$ 6,000	\$ -	\$ -	\$ -
TOTAL:	\$ 15,055,374	\$ 9,333,872	\$ -	\$ 8,042,024

** The current levies are yet to be approved by DLGF. The levies are expected to be reduced.

- (c) **Public Hearing.** The Town Council President called the hearing to order.

1. Joseph Wszolek, 3731 42nd Place, Highland, inquired whether or not the proposed budget had been filed with the Lake County Council for its review as called for in a recently changed law. *(It was noted that the proposed budget would be filed at least 15 days before its scheduled adoption of September 30, 2008.)*

Mr. Wszolek inquired about the rationale for increases in the Town Council, Streets and Sanitation, and the Metropolitan Police Department budgets.

Mr. Wszolek inquired about the disposition of any agreement that may be in consequence of the election of the Highland Fraternal Order of Police to invoke and adopt the provisions of the so-called "meet and confer" law.

Mr. Wszolek inquired whether or not the pending Corporation Bond in the not to exceed amount of \$1.9 million had been considered in preparing the proposed FY 2009 Budget, both in the debt service fund and the its effect in reducing collections to other funds.

2. Jim Diehl, 101014 Kennedy Avenue, Highland, inquired how he might be able to review the enrolled or proposed budget. There were no further comments and the public hearing was closed.
2. Review of Budget of the Sanitary District, pursuant to IC 6-1.1-17-20. *The Budget is not increased over the prior year. However, under amendments to IC 6-1.1-17-20, the Sanitary District body shall submit its proposed budget and property tax levy to the town fiscal body. The proposed budget and levy shall be submitted at least fourteen (14) days before the town fiscal body is required to hold budget approval hearings under this chapter. The fiscal body of the city, town, or county (whichever applies) shall review each budget and proposed tax levy and adopt a final budget and tax levy for the taxing unit. The fiscal body may reduce or modify but not increase the proposed budget or tax levy. The Board of Sanitary Commissioners took its last action at its adoption meeting of September 2, 2008. The final adoption vests with the Town Council. The Town Council should take its final action at its regular meeting of September 22, 2008.*
- (a) Introduction of **Enactment No. 2008-37**: Fiscal Body Reviewing and Acting upon The Budget of the Sanitary District of the Town of Highland, Lake County, INDIANA.

Councilor Herak introduced and filed the Enactment. There was no further action.

Corporation General Fund: (departmentalized)	Proposed	FY 2009 Adopted
<i>Office of the Town Council</i>		
Personnel Services \$	78,629	\$ -
Supplies \$	700	\$ -
Other Services & Charges \$	218,662	\$ -
Capital Outlays \$	-	\$ -
Department Total: \$	297,991	\$ -
<i>Advisory Board of Zoning Appeals</i>		
Personnel Services \$	3,359	\$ -
Supplies \$	200	\$ -
Other Services & Charges \$	8,520	\$ -
Capital Outlays \$	-	\$ -
Department Total: \$	12,079	\$ -
<i>Volunteers in Policing</i>		
Personnel Services \$	3,220	\$ -
Supplies \$	17,600	\$ -
Other Services & Charges \$	1,650	\$ -
Capital Outlays \$	-	\$ -
Department Total: \$	22,470	\$ -

Office of the Clerk-Treasurer

Personnel Services	\$	106,699	\$	-
Supplies	\$	3,400	\$	-
Other Services & Charges	\$	57,461	\$	-
Capital Outlays	\$	-	\$	-
Department Total:	\$	167,560	\$	-

Building Inspection Department

Personnel Services	\$	226,472	\$	-
Supplies	\$	8,750	\$	-
Other Services & Charges	\$	62,643	\$	-
Capital Outlays	\$	-	\$	-
Department Total:	\$	297,865	\$	-

Fire Department

Personnel Services	\$	204,215	\$	-
Supplies	\$	26,645	\$	-
Other Services & Charges	\$	85,575	\$	-
Capital Outlays	\$	41,000	\$	-
Department Total:	\$	357,435	\$	-

Plan Commission Dept.

Personnel Services	\$	2,842	\$	-
Supplies	\$	325	\$	-
Other Services & Charges	\$	22,920	\$	-
Capital Outlays	\$	-	\$	-
Department Total:	\$	26,087	\$	-

Metropolitan Police Department

Personnel Services	\$	3,431,729	\$	-
Supplies	\$	166,700	\$	-
Other Services & Charges	\$	786,682	\$	-
Capital Outlays	\$	-	\$	-
Department Total:	\$	4,385,111	\$	-

Sanitation & Streets Department

Personnel Services	\$	294,280	\$	-
Supplies	\$	30,550	\$	-
Other Services & Charges	\$	1,396,754	\$	-
Capital Outlays	\$	-	\$	-
Department Total:	\$	1,721,584	\$	-

Services & Works Board Dept.

Personnel Services	\$	-	\$	-
Supplies	\$	-	\$	-
Other Services & Charges	\$	764,046	\$	-
Capital Outlays	\$	-	\$	-
Department Total:	\$	764,046	\$	-

Town Hall and Monuments Dept.

Personnel Services	\$	-	\$	-
Supplies	\$	3,800	\$	-
Other Services & Charges	\$	52,300	\$	-
Capital Outlays	\$	-	\$	-
Department Total:	\$	56,100	\$	-

Fund Total:	\$	8,108,328	\$	-
Proposed (est.) Rate for the Fund	\$	0.6491	per \$100 dollars of av	
Adopted (Est.) Rate for the Fund	\$	-	per \$100 dollars of av	

Redevelopment General Fund:

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ 65,760	\$ -
Supplies	\$ 3,000	\$ -
Other Services & Charges	\$ 86,400	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 155,160	\$ -
Proposed (est.) Rate for the Fund	\$ 0.0169	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av
Rate for both the Redevelopment General and the Redevelopment Capital is capped at .0333, pursuant to IC 36-7-14-28.		

Redevelopment Capital Fund:

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ -	\$ -
Supplies	\$ -	\$ -
Other Services & Charges	\$ 26,100	\$ -
Capital Outlays	\$ 374,000	\$ -
Fund Total:	\$ 400,100	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av
Rate for both the Redevelopment General and the Redevelopment Capital is capped at .0333, pursuant to IC 36-7-14-28.		

Parks and Recreation Fund:

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ 865,000	\$ -
Supplies	\$ 122,000	\$ -
Other Services & Charges	\$ 871,000	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 1,858,000	\$ -
Proposed (est.) Rate for the Fund	\$ 0.1226	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Police Pension 1925 Fund:

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ 746,947	\$ -
Supplies	\$ 310	\$ -
Other Services & Charges	\$ 1,105	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 748,362	\$ -
Proposed (est.) Rate for the Fund	\$ 0.0409	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Parks Dist Bond & Lease Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ -	\$ -
Supplies	\$ -	\$ -
Other Services & Charges	\$ 537,278	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 537,278	\$ -
Proposed (est.) Rate for the Fund	\$ 0.0586	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Corporation Bond Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ -	\$ -
Supplies	\$ -	\$ -
Other Services & Charges	\$ 325,164	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 325,164	\$ -
Proposed (est.) Rate for the Fund	\$ 0.0469	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Municipal Cum Cap Dev Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ -	\$ -
Supplies	\$ -	\$ -
Other Services & Charges	\$ 153,846	\$ -
Capital Outlays	\$ 207,000	\$ -
Fund Total:	\$ 360,846	\$ -
Proposed (est.) Rate for the Fund	\$ 0.0417	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av
The rate is fixed or capped by I.C. 36-9-15.5 et seq.		

Motor Vehicle Highway Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ 483,365	\$ -
Supplies	\$ 360,120	\$ -
Other Services & Charges	\$ 98,676	\$ -
Capital Outlays	\$ 38,000	\$ -
Fund Total:	\$ 980,161	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Local Roads & Streets Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ 69,449	\$ -
Supplies	\$ -	\$ -
Other Services & Charges	\$ 325,000	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 394,449	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Cumulative Cap Imp. Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ -	\$ -
Supplies	\$ -	\$ -
Other Services & Charges	\$ 182,000	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 182,000	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Law Enf. Ed., Trng., & Supply Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ -	\$ -
Supplies	\$ 10,500	\$ -
Other Services & Charges	\$ 20,900	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 31,400	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Solid Waste District Grant Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services		
Supplies	\$ 11,375	\$ -
Other Services & Charges	\$ 111,600	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 122,975	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Redevelopment Bond Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services		
Supplies	\$ -	\$ -
Other Services & Charges	\$ 607,281	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 607,281	\$ -
Proposed (est.) Rate for the Fund	\$ 0.0478	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Information & Comm Tech

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ 17,812	\$ -
Supplies	\$ -	\$ -
Other Services & Charges	\$ 164,278	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 182,090	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

VIPS/PARKS Public Safety Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ -	\$ -
Supplies	\$ 6,000	\$ -
Other Services & Charges	\$ -	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 6,000	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Special Events Non Reverting

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ 10,930	\$ -
Supplies	\$ 1,000	\$ -
Other Services & Charges	\$ 43,850	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 55,780	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Total of All Funds:	\$ 15,055,374	\$ -
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Sanitary District Special Operating Fund

	<i>Adopted</i>	<i>Final Approval</i>
Personnel Services \$	115,729	\$ -
Supplies \$	2,450	\$ -
Other Services & Charges \$	91,420	\$ -
Capital Outlays \$	18,000	\$ -
Fund Total: \$	227,599	\$ -
Adopted (est.) Rate for the Fund \$	0.0209	per \$100 dollars of av
Final (Est.) Rate for the Fund \$	-	per \$100 dollars of av

Sanitary District Bond and Interest Fund

	<i>Adopted</i>	<i>Final Approval</i>
Personnel Services \$	-	\$ -
Supplies \$	-	\$ -
Other Services & Charges \$	558,993	\$ -
Capital Outlays \$	-	\$ -
Fund Total: \$	558,993	\$ -
Adopted (est.) Rate for the Fund \$	0.0624	per \$100 dollars of av
Final (Est.) Rate for the Fund \$	-	per \$100 dollars of av

Comments from the Public for Matters on the Agenda

1. Rick Volbrecht, 9221 Parkway Drive, Highland, noted the resignation letter from Arthur Burkman that was to be read and acknowledged as part of the agenda. Mr. Volbrecht noted that Mr. Burkman expressed in his letter his support for the withdrawal of the Water Utility from the Indiana Utility Regulatory Commission. Mr. Volbrecht expressed his opposition to withdrawing and opined that many people concur.
2. Dean Stammis, 9324 Spring Creek Drive, Highland, noting the issue of related to permitting alcohol in parks associated with Ordinance No. 1404, Mr. Stammis stated that he did not favor alcohol generally but could understand in some cases the option of allowing some limited alcohol sales owing to the revenue prospects.
3. Vern Sieb, 3034 Lakeside Drive, Highland, noting the issue of related to permitting alcohol in parks associated with Ordinance No. 1404, inquired about the possible liability for the Town in the event of over consumption by a patron on public property.
4. Joe Wszolek, 3731 42nd Place, Highland, expressed his opposition to alcohol sales or consumption in the parks and expressed his opposition to permitting it on any public way.

There were no further comments from the public.

Communications

1. The Clerk-Treasurer read aloud a letter from Rev. Arthur Burkman, announcing his decision to resign from the Board of Waterworks Directors, effective September 1, 2008. *No further action is necessary once filed with appointing authority, the Town Council President as municipal executive, pursuant to IC 5-8-4-4 and IC 5-8-3.5-1(5).*
2. The Clerk-Treasurer read aloud a letter from Tom Palmer, reporting his resignation from the Highland Advisory Board of Zoning Appeals, effective September 1. *No further action is*

necessary once filed with appointing authority, the Town Council as Municipal Fiscal Body, pursuant to IC 5-8-4-4 and IC 5-8-3.5-1(5).

Staff Reports: The Council received the following reports as information for the record:

• **Fire Department Report for August 2008**

	Month	Y.T.D.	Previous Y.T.D.	Task Hours
General Alarms	10	101	97	
Car Fires	3	11	7	
Still Alarms	40	109	88	
Ambulance calls	0	1	1	

• **Workplace Safety Report for August 2008**

There were four incidents reported in August. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2008	Total in 2007	Restricted Days 2008	Lost Workdays This Year	Restricted Days Last Year (2007)	Lost Workdays Last Year (2007)
Parks	0	3	6	0	0	0	0
Fire	0	1	1	0	0	0	0
Police	2	5	10	0	0	55	70
Street	2	5	2	0	0	0	0
Water & Sewer	0	4	3	0	0	0	0
Maint.	0	0	0	0	0	0	0
Other	0	0	3	0	0	0	0
TOTALS	4	18	25	0	7	55	70

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

Unfinished Business and General Orders:

1. **Introduced Ordinance No. 1404:** An Ordinance to Amend Chapter 150 of the Municipal Code which provides for a Department of Parks and Recreation and its Governance by a Park and Recreation Board, by repealing it in its entirety and providing for a new Chapter to be Numbered 150, all pursuant to I.C. 36-1-4, IC 36-1-5 and IC 36-10-3 et sequitur. *The amendment if adopted, consolidates and clarifies several amendments already adopted. The ordinance updates provisions regarding the appointment of citizen members to the park board to make it consistent with changes in state law. Formerly appointment authority rested with the Town Council President, but now rests with the Town Council. The ordinance also modifies adopted but unimplemented provisions regarding rule-making by the Park and Recreation Board. The ordinance provides that alcohol use, consumption or vending remains prohibited. Introduced and filed by Councilor Herak at the Town Council meeting of 25 August 2008. There was no further action.*

Councilor Herak moved the passage and adoption of Ordinance No. 1404. Councilor Vassar seconded. Upon a roll call vote, there were three affirmatives and two negatives. With Councilors Vassar, Novak and Kuiper voting in the affirmative and Councilors Herak and Zemen voting in the negative, the motion passed. The ordinance was adopted.

Councilor Herak noted that he would move to have the Ordinance adopted noting that it contained several technical corrections and modifications to make it consistent with state law changes, but indicated that he would vote opposed as he believed in limited cases that some beer sales could be helpful with revenues and hosting ASA tournaments.

A colloquy ensued between and among Councilors Herak, Vassar, Novak and Kuiper in which Councilors Vassar, Novak and Kuiper expressed public safety concerns about and opposition to allowing alcohol sales and consumption in parks and public ways.

ORDINANCE No. 1404
of the
TOWN of HIGHLAND, INDIANA

An Ordinance to Amend Chapter 150 of the Municipal Code which provides for a Department of Parks and Recreation and its Governance by a Park and Recreation Board, by repealing it in its entirety and providing for a new Chapter to be Numbered 150, all pursuant to I.C. 36-1-4, IC 36-1-5 and IC 36-10-3 et sequitur.

Whereas, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

Whereas, IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through enactment of an ordinance passed by the legislative body; and

Whereas, The Town of Highland, is a Municipal Government which may pass and codify ordinances for the operation of the government, all pursuant to IC 36-1-4 and IC 36-1-5;

Whereas, The Town of Highland, is a municipality located in Lake County which operates a Parks and Recreation Department, which has been continuously governed by the provisions of IC 36-10-3 et seq. at least since 1969;

Whereas, The Town of Highland, through its Town Council now desires to still further perfect its own organization as well as that of the Parks and Recreation Department and make certain corrections and enhancements to the ordinance establishing and governing the Department of Parks and Recreation, pursuant to IC 36-10-3 et seq.;

Now, Therefore, Be it hereby ordained by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That Chapter 150, as amended, of the Highland Municipal Code is hereby repealed in its entirety and of no further force or effect;

Section 2. That the Highland Municipal Code, be hereby amended by creating a successor chapter regarding Parks and Recreation, to be styled as Chapter 150, which shall read as follows:

CHAPTER 150: PARKS AND RECREATION

Section

General Provisions

150.01	Department of Parks and Recreation; Parks and Recreation Board
150.01.03	Board of Park and Recreation Board Governance
150.01.05	Board of Park and Recreation Board Duties
150.01.07	Board of Park and Recreation Board Powers
150.01.09	<i>Rule Making Authority;</i>
150.02	Officers and employees bond
150.03	Fees for particular activities

Park Rules and Regulations

150.20	Definitions
150.21	Interpretation
150.22	Territorial scope
150.23	Indemnification
150.24	Function of Superintendent
150.25	Defacing or removal of property
150.26	Bringing in plants, trees or shrubs
150.27	Littering, rubbish, garbage, sewage and noxious material
150.28	Animals; hunting and fishing
150.29	Fires, ashes, and the like
150.30	Firearms, weapons, explosives, missiles, and the like
150.31	Sleeping and camping
150.32	Traffic
150.33	Snowmobiles, sledding, skiing, and skating
150.34	Golfing
150.35	Bows and arrows
150.36	Designation of baseball playing areas
150.37	Aviation
150.38	Swimming, bathing and wading
150.39	Disturbing the peace
150.40	Hours of closing
150.41	Alcohol and drugs
150.42	Gambling, fortunetelling, and the like
150.43	Permits and reservations for various activities
150.44	Fees and charges

- 150.45 Commercial activities, soliciting, and the like
- 150.46 Advertising and public meetings
- 150.47 Equal rights of others
- 150.48 Failure to comply with orders of park personnel
- 150.49 Removal of persons acting unlawfully
- 150.50 Use of mopeds, ATC vehicles, and all-terrain vehicles prohibited
- 150.51 Skateboards Prohibited

Park and Recreation Funds

- 150.60 Parks and Recreation Petty Cash Fund
- 150.61 Special non reverting capital fund
- 150.62 Sharp Athletic Complex Cash Change Fund
- 150.63 Lincoln Community Center Cash Change Fund
- 150.99 Penalty

GENERAL PROVISIONS

§ 150.01 DEPARTMENT OF PARKS AND RECREATION

(A) There is hereby established a Department of Parks and Recreation, governed by the provisions of IC 36-10-3 et seq. as amended from time to time. The department consists of a park and recreation board, a superintendent, and other personnel that the board determines.

(B) The Park and Recreation board consists of six (6) members. Four (4) members shall be appointed by the *Town Council* as the *town legislative body* of the municipality. These members shall be appointed on the basis of their interest in and knowledge of parks and recreation, but no more than two (2) members may be affiliated with the same political party. Further, all members must be residents of the district. In addition, there shall be two (2) ex-officio members as follows:

- (1) One (1) ex-officio member from the governing body of the Lake County Public Library District, to be selected by that governing body, provided the member resides in the Town.
- (2) One (1) ex-officio member who shall be from the governing body of the School Town of Highland and selected by it or a member designated by it.

(C) All members appointed by the town legislative body serve for a four (4) year term. All terms expire on the first Monday in January, but a member continues in office until his successor is appointed.

(D) Notwithstanding IC 36-1-8-10(c), if an appointment for any new term is not made by the first Monday in April, the incumbent shall serve another term.

(E) If a vacancy on the board occurs, the *appointing authority* shall appoint a person to serve for the remainder of the unexpired term.

(F) A member may be removed only for cause, upon specific written charges filed against him. The charges shall be filed with and heard by the municipal executive, unless the municipal executive is bringing the charges. In that case, the unit's fiscal body shall appoint a hearing officer. The person to hear the charges shall fix a date for a public hearing and give public notice at least ten (10) days in advance of the hearing. At the hearing the member is entitled to present evidence and argument and to be represented by counsel.

(G) Board of park and recreation; advisory member. The Highland Park and Recreation Board and the Lake County Park and Recreation Board may each designate a member to sit with the other board in an advisory capacity.

§ 150.01.03 BOARD OF PARK AND RECREATION GOVERNANCE

(A) All meetings of the board are open to the public. The board shall fix the time and place of its regular meetings, but it shall meet at least quarterly.

(B) Special meetings of the board may be called by the president or by any two (2) members by written request to the secretary. The secretary shall send to each member, at least two (2) days before a special meeting, a written notice fixing the time, place, and purpose of the meeting. Written notice of a special meeting is not required if the time of the special meeting is fixed at a regular meeting or if all members are present at the special meeting.

(C) At its first regular meeting each year the board shall elect a president and a vice president. The vice president may act as president during the absence or disability of the president. The board may select a secretary either from within or outside its membership.

(D) A majority of the members constitutes a quorum. Action of the board is not official unless it is authorized by at least three (3) members present and acting.

(E) The members of the board may receive a salary in an amount fixed by the fiscal body.

(F) If the board determines that members or employees should attend a state, regional, or national conference dealing with park and recreation problems, the board may authorize the payment of the actual expenses involved in attending the conference. However, the amount must be available as part of the board's appropriation.

§ 150.01.05 BOARD OF PARK AND RECREATION DUTIES

(A) The board shall:

- (1) exercise general supervision of and make rules for the department;
- (2) establish rules governing the use of the park and recreation facilities by the public;
- (3) provide police protection for its property and activities, either by requesting assistance from state, municipal, or county police authorities, or by having specified employees deputized as police officers; the deputized employees, however, are not eligible for police pension benefits or other emoluments of police officers;
- (4) appoint the necessary administrative officers of the department and fix their duties;
- (5) establish standards and qualifications for the appointment of all personnel and approve their appointments without regard to politics;
- (6) make recommendations and an annual report to the executive and fiscal body of the unit concerning the operation of the board and the status of park and recreation programs in the district;
- (7) prepare and submit an annual budget in the same manner as other executive departments of the municipality; and
- (8) appoint a member of the board to serve on another kind of board or commission, whenever a statute allows a park or recreation board to do this.

(B) The board shall fix the compensation of officers and personnel appointed under subsections § 150.01.07 (a)(4) and (a)(5), subject to its appropriations and other ordinances of the municipality.

§ 150.01.07 BOARD OF PARK AND RECREATION POWERS

(A) The board may:

- (1) enter into contracts and leases for facilities and services;
- (2) contract with persons for joint use of facilities for the operation of park and recreation programs and related services;
- (3) contract with another board, a unit, or a school corporation for the use of park and recreation facilities or services, and a township or school corporation may contract with the board for the use of park and recreation facilities or services;
- (4) acquire and dispose of real and personal property, either within or outside Indiana;
- (5) exercise the power of eminent domain under statutes available to municipalities;
- (6) sell, lease, or enter into a royalty contract for the natural or mineral resources of land that it owns, the money received to be deposited in a non-reverting capital fund of the board;
- (7) engage in self-supporting activities as prescribed by IC 36-10-3-22;
- (8) contract for special and temporary services and for professional assistance;
- (9) delegate authority to perform ministerial acts in all cases except where final action of the board is necessary;
- (10) prepare, publish, and distribute reports and other materials relating to activities authorized by this chapter;
- (11) sue and be sued collectively by its legal name, as the Town of Highland Park and Recreation Board", with service of process being had upon the president of the board, but costs may not be taxed against the board or its members in any action;
- (12) invoke any legal, equitable, or special remedy for the enforcement of this chapter, a park or recreation ordinance, or the board's own action taken under either; and
- (13) release and transfer, by resolution, a part of the area over which it has jurisdiction for park and recreational purposes to park authorities of another unit for park and recreational purposes upon petition of the park or recreation board of the acquiring unit.

(B) The board may also lease any buildings or grounds belonging to the unit and located within a park to a person for a period not to exceed fifty (50) years. The lease may authorize the lessee to provide upon the premises educational, research, veterinary, or other proper facilities for the exhibition of wild or domestic animals in wildlife parks, dining facilities, swimming facilities, golf courses, skating facilities, dancing facilities, amusement rides generally found in amusement parks, or other recreational facilities. A lease may be made for more than one (1) year only to the highest and best bidder, after notice that the lease will be made has been given by publication in accordance with IC 5-3-1.

(C) Notwithstanding subsection § 150.01.09 (b), the board may lease buildings or grounds belonging to the unit for a period of more than one (1) year without soliciting the highest and best bidder or providing notice under IC 5-3-1 if:

- (1) the buildings or grounds are leased to an Indiana nonprofit corporation;
- (2) the buildings or grounds are operated as a public golf course; and
- (3) any golf course remains subject to rules and regulations promulgated by the board.

§150.01.09. RULE MAKING AUTHORITY;

(A) Pursuant to its authority under § 150.01.05 (A)(1) and (A)(2) and subject to the applicable Indiana law, the Board shall exercise general supervision of and make rules for the department and establish rules governing the use of the park and recreation facilities by the public;

(B) A copy of all rules and regulations of the department shall be filed for the convenience of the public in the general office of the parks and recreation department, and with the office of the clerk-treasurer.

(C) Any person, firm or corporation who violates or fails to comply with the rules and regulations of the Park and Recreation Board and or the Parks and Recreation Department of the Town of Highland, Indiana, may be punished by a fine not to exceed Two Thousand, Five Hundred dollars (\$2,500.00), **provided that the rule or regulation shall be adopted by ordinance of the Town legislative body and subject to Section § 150.99 of this Code.** Every day of any violation of this section shall constitute a separate offense.

(D) The Board shall have the authority to enforce its rules and regulations according to rules it may promulgate,

including bringing suit in the name of the municipality for all legal or equitable relief, provided:

- (1) *That a majority vote of the entire membership of the board shall be sufficient to pass and adopt any rule, regulation, order or resolution, unless a greater vote is required by statute, ordinance or rule; and*
- (2) *That any rule or regulation regarding the use of parks and recreation facilities, that may be punished by any penalty or fine shall be effective only if also set forth in an ordinance adopted by the Town legislative body.*

§ 150.02 SUPERINTENDENT of PARKS AND RECREATION

(A) The board may appoint a superintendent of parks and recreation. The board may not consider political affiliation in the selection of the superintendent.

(B) The superintendent must be qualified by training or experience in the field of parks and recreation; or have a certification or an advanced degree in the field of parks and recreation.

- (C) Under the direction of the board, the superintendent shall:
- (1) propose annually a plan for the operation of the department;
 - (2) administer the plan as approved by the board;
 - (3) supervise the general administration of the department;
 - (4) keep the records of the department and preserve all papers and documents of the department;
 - (5) recommend persons for appointment as assistants if the board determines there is a need;
 - (6) appoint the employees of the department, subject to the approval of the board, according to the standards and qualifications fixed by the board and without regard to political affiliation;
 - (7) prepare and present to the board an annual report; and
 - (8) perform other duties that the board directs.

(D) If the board determines that the size of the department's operation requires assistants for the superintendent, the board may appoint, upon the recommendation of the superintendent, one (1) or more assistants. The board shall determine their qualifications on a basis similar to that prescribed for the superintendent.

(E) Assistants are directly responsible to the superintendent and shall perform the duties specified by the superintendent.

§ 150.02.01 ADVISORY COUNCILS and SPECIAL COMMITTEES

(A) The board may create an advisory council and special committees composed of citizens interested in parks and recreation.

(B) In selecting an advisory council or special committees, the board shall give consideration to the groups in the community particularly interested in parks and recreation. In a resolution creating an advisory council or a special committee, the board shall specify the terms of its members and the purposes for which it is created.

- (C) The advisory council or a special committee shall:
- (1) study the subjects and problems specified by the board and recommend to the board additional problems in need of study;
 - (2) advise the board concerning these subjects, particularly as they relate to different areas and groups in the community; and
 - (3) upon the invitation of the board, sit with and participate in the deliberations of the board, but without the right to vote.

(D) The advisory council or a special committee shall report only to the board and shall make inquiries and reports only in those areas specified by the board's resolution creating the council or committee.

§ 150.02.03 OFFICERS AND EMPLOYEES BOND

The department through its Superintendent shall in the manner prescribed by I.C. 5-4-1, execute a blanket bond in the sum of \$15,000 payable to the town, to be approved by the Town Council President, conditioned upon the faithful performance of all departmental employees including the Superintendent, acting on behalf of the department and the local government. The premium upon said bond shall be paid from funds of the department. Said bond may be executed with any recognized and responsible surety company authorized to do business in the State of Indiana. The bond shall be filed and recorded in the office of the recorder of Lake County, pursuant to I.C. 36-10-3-16(c).

§ 150.03 FEES FOR PARTICULAR ACTIVITIES.

(A) Park and recreation facilities and programs shall be made available to the public free of charge as far as possible. However, if it is necessary in order to provide a particular activity, the board may charge a reasonable fee.

(B) Monies procured from reasonable fees charged in connection with providing a particular activity, program, or for use of park and recreation facilities shall be deposited at least once a month with the Clerk-Treasurer of the Town of Highland into the Parks and Recreation (General) Fund.

(C) Monies procured from reasonable fees charged by the Parks and Recreation Department in connection with concession or food stands shall be deposited at least once a month with the Clerk-Treasurer of the Town of Highland into the Parks and Recreation (General) Fund.

(D) That expenditures from the Parks and Recreation General Fund may be made from the proper category of expense only after an appropriation has been made in the manner provided by statute for making other

appropriations and shall be disbursed only on approved claims allowed by the board and signed by the President and Secretary of the Parks and Recreation Board pursuant to I.C. 5-11-10, I.C. 36-5-4, and I.C. 36-10-3.
(’83 Code, § 13-2.1) (Ord. 740B, passed 12-29-94)

PARK RULES AND REGULATIONS

§ 150.20 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALCOHOLIC BEVERAGE. Any liquid or solid which is, or contains, alcohol as defined by I.C. 7.1-1-3-4, as amended, and which is fit for human consumption and which is reasonably likely or intended, to be used as a beverage.

BOARD. The Park and Recreation Board.

DEPARTMENT. The Parks and Recreation Department, which is composed of the board, a Superintendent, and such other personnel as the board may determine.

DISTRICT. The area within the jurisdiction of the board.

DRUGS. Any articles or substances as defined in the Indiana Legend Drug Act (I.C. 16-42-19-1 through 16-42-19-28), as amended from time to time.

MOTOR BOAT. Any type of water craft which has for its primary source of power an internal combustion engine or electric motor whether inboard or outboard.

PARK. All developments, improvements, facilities, and any or all land, minerals, waters overhead air rights, easements and other reservations owned, leased, controlled or used by the department.

PERMIT AND RESERVATION. Any authorization issued by the Superintendent pursuant to the authority of the board for a specified park privilege, activity or event or permitting the performance of a specified act or acts in any park.

RULES AND REGULATIONS. Any rule or regulation governing the use of the park and recreation facilities by the public.

SUPERINTENDENT. The Superintendent of the department.

VEHICLE. Any device, conveyance, or combination of conveyances, wheeled or without wheels (but excepting motor boats) propelled, towed or unpropelled, that in, around or on which a person or thing is or may be carried and shall include without limitation bicycles, scooters, minibikes, motorcycles and snowmobiles.

WATERCRAFT. All flotation devices intended to carry a human passenger upon the water including boats of any type, rafts, canoes, motor boats and inflatable flotation devices.
(’83 Code, § 13-16) (Ord. 515A, passed 6-28-82)

§ 150.21 INTERPRETATION *and* SPECIAL EXCEPTIONS.

(A) Any requirement or provision of this subchapter relating to any act shall extend to and include the causing, procuring, aiding or abetting, directly or indirectly, of such act; or the permitting or the allowing of any unemancipated minor the doing of any willful or malicious act prohibited by the provisions hereof by the parent or legal guardian of such minor.

(B) No provision hereof shall make unlawful any act necessarily performed by any officer or employee of the department in line of duty or work as such, or by any person, his agents or employees, in the proper and necessary execution of the terms of any agreement with the board.

(C) *Special Exceptions.* Any act otherwise prohibited by this subchapter, provided it is not otherwise prohibited by law or local ordinance, shall be lawful if performed within custodial quarters within the park or is performed under, by virtue of, or strictly in compliance with the provisions of a permit issued by the board and approved by the Town Council **30 days** prior to the event. Any such permit issued hereunder by the board shall not be effective and valid unless said permit has been approved by the Town Council. ***Notwithstanding anything contained herein to the contrary, the board shall not issue any permit for the drinking, sale, possession or consumption of alcoholic beverages within the parks, Sharp Athletic Complex or Lincoln Community Center.***

(D) This subchapter is in addition to and supplemental to all state and federal laws. The meaning of any term not otherwise defined in this subchapter shall be construed and interpreted to mean the same as said term is otherwise construed and interpreted in any applicable state and federal law or ordinance of the town.
(’83 Code, § 13-17) (Ord. 515A, passed 6-28-82; Am. Ord. 515D, passed 12-11-89; Am. Ord. 515E, passed 5-11-92)

§ 150.22 TERRITORIAL SCOPE.

This subchapter shall be effective within and upon all areas under the jurisdiction of the board, and shall regulate the use thereof by all persons.
(’83 Code, § 13-18) (Ord. 515A, passed 6-28-82)

§ 150.23 INDEMNIFICATION.

The board shall be empowered to require permits, licenses, waivers of liability and agreements of indemnification to protect the board and to provide for the orderly administration of the use of park property. ('83 Code, § 13-19) (Ord. 515A, passed 6-28-82)

§ 150.24 FUNCTION OF SUPERINTENDENT.

The Superintendent shall act for the board, enforce the laws, maintain law enforcement and maintain good order within the department. ('83 Code, § 13-20) (Ord. 515A, passed 6-28-82)

§ 150.25 DEFACING OR REMOVAL OF PROPERTY.

(A) No person shall injure, deface, destroy, disturb, defoul or remove any part of the park, or any building, sign, equipment, or other property found therein; no shall any person maliciously cut down, destroy or injure a standing or growing vine, bush, shrub, sapling, tree, flower or other vegetation or fruit or seed growing on park property, or maliciously injure, destroy, disturb or sever from the park a product standing or growing or other thing, such as rock minerals, attached thereto or a part thereof.

(B) No person shall intentionally accelerate a motor vehicle causing the rubber tires to spin, mark and deface the park or roadway surface.

('83 Code, § 13-21) (Ord. 515A, passed 6-28-82) Penalty, see § 150.99

Statutory reference:

Criminal mischief, see I.C. 35-43-1-2

Theft, see I.C. 35-43-4-2

Criminal conversion, see I.C. 35-43-4-3

§ 150.26 BRINGING IN PLANTS, TREES OR SHRUBS.

Unless authorized by the board, no person shall bring into or upon any park any tree, shrub, or plant or any newly plucked branch or portion thereof.

('83 Code, § 13-22) (Ord. 515A, passed 6-28-82) Penalty, see § 150.99

§ 150.27 LITTERING, RUBBISH, GARBAGE, SEWAGE AND NOXIOUS MATERIAL.

(A) No person, without authorization of the board, shall bring into, leave behind or dump any material of any kind, whether waste or otherwise, in the park, except refuse, ashes, garbage and other material arising from the normal use and enjoyment of a picnic, camp or other permitted activity provided such material is deposited in receptacles or pits provided for such purposes. Nor shall any material of any kind be left or deposited without or near the parks so as to pollute the land, waters, or air coursing through or over the parks or otherwise to interfere with proper use and enjoyment of the park. No bottles, cans, refuse, or foreign material of any description shall be deposited or thrown in any of the streams, waterways, ponds or lakes located in or immediately adjacent to the park. The use of glass bottles or containers in the parks is prohibited.

(B) No person shall, either within or outside of the park, place or permit to be placed in any river, brook, stream, pond, ditch or drain that is maintained in or flows into or through the park, any noxious or deleterious material which may render park waters harmful to the public health, or to animals or vegetation, or for domestic, industrial, or agricultural purposes, or which may lessen to an unreasonable degree the use and enjoyment of such waters for park recreational or other park uses.

(C) Metal detecting and the digging up of the turf in any manner is prohibited.

('83 Code, § 13-23) (Ord. 515A, passed 6-28-82; Am. Ord. 515C.1, passed 7-14-86) Penalty, see § 150.99

Statutory reference:

Littering, see I.C. 35-45-3-2

§ 150.28 ANIMALS; HUNTING AND FISHING.

(A) No person within the confines of the park shall hunt, pursue with dogs, trap, use walkie-talkie radios, planes or in any other way molest any wild bird or animal found within the confines of the park, or rob or molest any animal den or bird nest or take the eggs of any bird, except by specific written limited permit as may be issued by the board specifically for area management, over-abundance, disease, or inbreeding of wildlife species balance control. The board may cause such park waters as it deems advisable closed to fishing and shall so post them. In all other park waters fishing shall be permitted subject to the statutes of the state.

(B) No person shall permit his dog, cat, or other pet to defecate in the parks, and in the event of such defecation, the owner is responsible for the immediate removal of said waste material. All pets in the parks must be on a leash of not more than six feet and under the control of the owner or custodian at all times. Other than those dogs, cats, and other household pets attending obedience class or other sponsored classes at the Lincoln Community Center, all pets are prohibited within the Lincoln Community Center.

(C) No person shall use, ride, or drive any horse or other animal within the parks.

(D) Unless authorized by the board, no person shall bring into and leave in any park any animal, fish or fowl. It is unlawful to introduce any non-game fish species, i.e., carp, dogfish, and the like, without permission from the board. No minnows, suckers, shiners, chubs, or any other live bait fish will be allowed for bait.

('83 Code, § 13-24) (Ord. 515A, passed 6-28-82; Am. Ord. 515C.1, passed 7-14-86) Penalty, see § 150.99

Statutory reference:

Fish and Wildlife Act, see I.C. 14-22

§ 150.29 FIRES, ASHES, AND THE LIKE.

(A) No person shall start a fire in the park except small fires for culinary purposes in park grills, or privately owned grills, or fires in a place or designated areas approved by the department, except that the board may, at its discretion, prohibit fires at any location or for any purpose when necessary for the protection of park property. Any fire shall be continuously attended under the care and direction of a competent person. All fires shall be extinguished by the person starting or using the same before leaving the immediate vicinity of the fire. No fires shall be built within ten feet of any tree or building, or beneath the branches of any trees or in any underbrush.

(B) The dumping of hot ashes or fire from portable picnic grills onto the grass or plants is prohibited. Hot ashes shall be deposited only in specified areas or designated receptacles, but not in picnic refuse receptacles.

(C) No person shall be allowed to use any timber, wood, twigs, branches, leaves or other forest material as fuel for fires. Only charcoal will be permitted to be used as fuel for fires within the parks, except by special permit from the board.

(D) No portable stoves or grills shall be permitted in shelters or on combustible picnic tables.

(E) No person shall throw away or discard any lighted match, cigar or cigarette within any park property.

(‘83 Code, § 13-25) (Ord. 515A, passed 6-28-82) Penalty, see § 150.99

Statutory reference:

Litter, see I.C. 35-45-3-2

Arson, see I.C. 35-43-1-1

Criminal mischief, see I.C. 35-43-1-2

§ 150.30 FIREARMS, WEAPONS, EXPLOSIVES, MISSILES, AND THE LIKE.

(A) No person shall carry firearms of any description, air or gas guns, slingshots, explosives, fireworks, or missile throwing or propelling devices within the parks.

(B) The use of shotguns, rifles, pistols, or other type firearms shall not be allowed and is prohibited.

(C) No person shall throw or cast any stones or other missiles in the park.

(D) Fireworks and sparklers are prohibited from being used or set off in the parks unless a permit is issued by the Town Council of the Town of Highland.

(‘83 Code, § 13-26) (Ord. 515A, passed 6-28-82; Am. Ord. 515C.1, passed 7-14-86) Penalty, see § 150.99

§ 150.31 SLEEPING AND CAMPING.

(A) No person shall camp within any park except in camping areas as may from time to time be designated by the board.

(B) Except in areas set aside for camping, no person shall sleep in any park between the hours of 8:00 p.m. and 8:00 a.m.

(‘83 Code, § 13-27) (Ord. 515A, passed 6-28-82) Penalty, see § 150.99

§ 150.32 TRAFFIC.

(A) No person shall park or store any vehicle within the park, except in places designated by the board for such purposes, and upon payment of a parking fee which, if any, may be set by the board. A vehicle parked in the park in excess of 24 consecutive hours will be towed away at the expense of the owner thereof. All overnight parking of vehicles is prohibited during the hours that the park is closed.

(B) No person shall ride or operate any vehicle on, over, along, or upon any park except on roadways, driveways and parking areas designated for the use of such vehicle, or except in specially limited areas designated by the board from time to time for particular type vehicles.

(C) No person shall drive a vehicle of any kind upon or along any park area, road, or drive which has been closed and posted with appropriate signs or barricades. The board shall have authority to order areas, roads, or drives closed during the process of construction, reconstruction, repair or when, on the basis of engineering investigation, weather, or other conditions render travel either unsafe or unduly destructive of the area, road, or drive.

(D) No vehicle shall be parked upon any area other than a properly designated parking lot or parking area with the exception of Lincoln Center where overflow parking shall be allowed on the grassy area south of the building. Except as hereinbefore provided, no vehicle shall be parked in any manner which will block in whole or in part any road, driveway, doorway, trail, waterway, or recreational area. Except in areas designated for night parking, no person shall park or leave standing any vehicle or conveyance which is disabled in such a manner and to such extent that parking is necessary. When any person shall occupy any parked vehicle in any park between the hours of sunset and sunrise, the parking lights of said vehicle shall be lighted at all times.

(E) No person shall use or shine spotlights, or unnecessarily or continuously shine vehicle headlights of any kind onto the park, except under the direction of a park employee or law enforcement officer, or except where necessary for the preservation of life or property.

(F) Except by authority of special permit granted by the board, no person shall drive or operate a vehicle in the parks which exceeds three-fourths ton and which is designed, used, or maintained primarily for the transportation

of property, or a bus except a school bus or recreational vehicle, or a truck tractor including mechanized farming vehicles servicing authorized park functions or concessionaires.

(‘83 Code, § 13-28) (Ord. 515A, passed 6-28-82; Am. Ord. 515B, passed 6-13-83; Am. Ord. 515C, passed 7-14-86) Penalty, see § 150.99

Statutory reference:

Uniform Act Regulating Traffic on Highways, see I.C. 9-21-1-1

§ 150.33 SNOWMOBILES, SLEDDING, SKIING, AND SKATING.

(A) No person shall operate a self-propelled vehicle which is designed to travel on snow-covered surfaces within a park other than in areas designated by the board as “snowmobile” areas.

(B) Before any snowmobile can be operated within a park operated by the board, a waiver of liability form must be filled out by the owner or owners and operator or operators of the snowmobile.

(C) All snowmobiles must be registered with the state and the department.

(D) All persons operating snowmobiles in the parks shall abide by state statutes and town ordinances regarding snowmobiles and off-road vehicles.

(E) No person shall sled, ride, ski or ice skate within the parks except in areas designated for such purpose. The use of metal runner sleds in posted areas (the Meadows snow hill) is prohibited.

(‘83 Code, § 13-29) (Ord. 515A, passed 6-28-82; Am. Ord. 515C.1, passed 7-14-86) Penalty, see § 150.99

Statutory reference:

Snowmobiles and off-road vehicles, see I.C. 14-16-1 and 14-16-2

§ 150.34 GOLFING.

No person shall swing or make use of any golf club or play golf, or hit or putt golf balls within or into the parks. (‘83 Code, § 13-30) (Ord. 515A, passed 6-28-82) Penalty, see § 150.99

§ 150.35 BOWS AND ARROWS.

The use of bows and arrows of any kind in the parks is prohibited. (‘83 Code, § 13-31) (Ord. 515A, passed 6-28-82) Penalty, see § 150.99

§ 150.36 DESIGNATION OF BASEBALL PLAYING AREAS.

Baseball is permitted only in designated parks with baseball diamonds. (‘83 Code, § 13-32) (Ord. 515A, passed 6-28-82) Penalty, see § 150.99

§ 150.37 AVIATION.

No person shall voluntarily bring, land or cause to descend or alight upon park lands or waters any airplane, flying machine, balloon, parachute or other apparatus for aviation, except by written permit. Any landing other than one caused by mechanical or structural failure of the aircraft shall be deemed to have been made voluntarily. A forced landing in the event of an emergency will not be deemed a violation of this section.

(‘83 Code, § 13-33) (Ord. 515A, passed 6-28-82) Penalty, see § 150.99

§ 150.38 SWIMMING, BATHING AND WADING.

No person shall bathe, wade, or swim in any park. (‘83 Code, § 13-34) (Ord. 515A, passed 6-28-82) Penalty, see § 150.99

§ 150.39 DISTURBING THE PEACE.

No person shall disturb or intrude upon a picnic or gathering in any park without consent of those composing a group except park employees in the proper pursuit of their duties.

(‘83 Code, § 13-35) (Ord. 515A, passed 6-28-82) Penalty, see § 150.99

§ 150.40 HOURS OF CLOSING.

No person shall be permitted to remain stopped or parked within the confines of the park between the hours of 10:30 p.m. and 5:00 a.m. local time, except in overnight feed permit family camping or designated youth camping areas, in emergency or with a special permit, unless participating in a department activity or except as special facilities where other authorized and posted hours are designated by the board.

(‘83 Code, § 13-36) (Ord. 515A, passed 6-28-82; Am. Ord. 515C.1, passed 7-14-86) Penalty, see § 150.99

§ 150.41 ALCOHOL AND DRUGS.

No person shall drink, sell, possess, make a gift or offer for sale any alcoholic beverage or drugs within the parks or Lincoln Center, nor shall any person within the parks or Lincoln Center use, administer, receive, offer for sale, possess, or make available to himself, or to any other person or animal, any alcoholic beverage or drugs.

(‘83 Code, § 13-37) (Ord. 515A, passed 6-28-82; Am. Ord. 515B, passed 10-11-82) Penalty, see § 150.99

§ 150.42 GAMBLING, FORTUNETELLING, AND THE LIKE.

No persons shall engage in any game of chance or in the use of any gambling device nor shall any person tell fortunes for pecuniary reward within the park.

(‘83 Code, § 13-38) (Ord. 515A, passed 6-28-82) Penalty, see § 150.99

Statutory reference:

Gambling, see I.C. 35-45-5-1 through 35-45-5-10

§ 150.43 PERMITS AND RESERVATIONS FOR VARIOUS ACTIVITIES.

(A) A permit shall first be obtained from the department for any picnic involving 15 or more persons, and also in every situation when a facility is asked to be set aside for a specified time by a group for picnic purposes within a park.

(B) For nonresidents of the town, a permit shall first be obtained from the department for the use of any baseball diamonds, basketball courts, tennis courts, and any other group oriented activities that involve the use of park and recreation facilities.

(C) Reservations for shelters can be obtained after January 1. A shelter shall be paid for in advance at the time of reservation.

(D) A permit or reservation shall first be obtained prior to the use of any park property or facility whenever required by this subchapter, or by any rule or regulation promulgated by the board. In addition, the fee, if any, as required by the board shall be paid at the time that such permit or reservation is applied for. All permits or reservations shall be applied for in advance at the park and recreation office. The board may, in its discretion, issue such permit or reservation upon application when same is consistent with the proper use and protection of the park property and likewise, in its discretion, may refuse the issuance of a permit.

(‘83 Code, § 13-39) (Ord. 515A, passed 6-28-82) Penalty, see § 150.99

§ 150.44 FEES AND CHARGES.

(A) Except as otherwise provided, fees and charges for the use of various facilities operated by the department on property of the department, including the Lincoln Community Center, or for various programs when necessary, shall be established by the Park and Recreation Board, and may be changed from time to time.

(B) No persons, except those with valid reason, or those having special permission of the board pursuant to rules it may adopt from time to time, shall use any pay facility or participate in any pay program of the department without first paying the proper fee for the same as may be established from time to time.

(‘83 Code, § 13-40) (Ord. 515A, passed 6-28-82; Am. Ord. 1050, passed 12-16-96)

§ 150.45 COMMERCIAL ACTIVITIES, SOLICITING, AND THE LIKE.

No person shall offer or exchange for sale any article, thing, privilege, or service or do any hawking, peddling, or solicitation, or buy or offer to buy any article, thing, privilege, or service or take up any collection or solicit or receive contributions of money or articles of value except when authorized by permit or under contract with the department.

(‘83 Code, § 13-41) (Ord. 515A, passed 6-28-82) Penalty, see § 150.99

§ 150.46 ADVERTISING AND PUBLIC MEETINGS.

No person shall expose, distribute, or place any sign, advertisement, circular, notice or statement or display any banner, emblem, or design within the park without a permit.

(‘83 Code, § 13-42) (Ord. 515A, passed 6-28-82) Penalty, see § 150.99

§ 150.47 EQUAL RIGHTS OF OTHERS.

Every person shall conduct himself with due regard to the equal rights of others to the use and enjoyment of the park.

(‘83 Code, § 13-43) (Ord. 515A, passed 6-28-82) Penalty, see § 150.99

§ 150.48 FAILURE TO COMPLY WITH ORDERS OF PARK PERSONNEL.

No person shall fail or refuse to comply with any reasonable order relating to the regulation, direction, or control of traffic, or to any other order lawfully given by any park personnel or law enforcement officers acting under the authority of the board or willfully resist, obstruct, assault, or abuse any park personnel or law enforcement officer or any other official in the execution of his office or in any manner give aid to any person to escape from custody or to attempt to escape from custody or to attempt to escape from custody or to attempt to escape from impending arrest or custody.

(‘83 Code, § 13-44) (Ord. 515A, passed 6-28-82) Penalty, see § 150.99

§ 150.49 REMOVAL OF PERSONS ACTING UNLAWFULLY.

No person shall remain within the park who does not abide by conditions adopted by the board for the preservation of good order and the protection of property within the park, and no person shall remain within the park who does not abide by the instructions and directions of duly authorized park employees or agents of the board in the lawful performance of their duties. Any person directed by the park employees or agent of the board to leave the park shall do so promptly and peaceably.

(‘83 Code, § 13-45) (Ord. 515A, passed 6-28-82) Penalty, see § 150.99

§ 150.50 USE OF MOPEDS, ATC VEHICLES, AND ALL-TERRAIN VEHICLES PROHIBITED.

All mopeds, ATC vehicles, and any other all-terrain vehicles and their use thereof is prohibited in the parks at all times.

(‘83 Code, § 13-46) (Ord. 515C.1, passed 7-14-86) Penalty, see § 150.99

§ 150.51 SKATEBOARDING IS PROHIBITED

(A) **It is an offense for a person or persons to ride, drive or propel a skateboard on or around the following park locations and places:**

- (1) The stairs, walkways, platform, landing and approaches of the Gazebo at Main Square Park.
- (2) The walkways, grounds, improvements, buildings, structures, playground sites and parking lot(s) at Main Square Park.

(B) Signs conspicuously displayed near or on the premises giving notice of this prohibition regarding riding, driving or propelling a skateboard on or around the identified public place(s) shall be posted giving notice of such regulation.
(Ord. 1360, passed 6-25-2007)

PARK AND RECREATION FUNDS

§ 150.60 PARKS AND RECREATION PETTY CASH FUND

(A) There is hereby authorized, created and established a petty cash fund for use by the Parks and Recreation Department to be known as the Parks and Recreation Petty Cash Fund, pursuant to the provisions of I.C. 36-1-8 et seq.;

(B) That the Superintendent of Parks and Recreation, such volunteers as he may designate serving on an advisory council or special committee that may be established from time to time pursuant to IC 36-10-3-17, and such employees as he may designate, are permitted to use it to pay small, emergency or exigent items of operating expense, in order to support the duties outlined in and to carry-out the purposes of this chapter:

(1) That the Superintendent of Parks and Recreation is permitted to establish a petty change fund in support of this section;

(2) That such a fund must be established by a warrant drawn upon the appropriate fund in favor of the Superintendent of Parks and Recreation, who is the custodian of the fund;

(3) That each expenditure from the petty cash change fund shall be supported by a receipt;

(4) That the Superintendent of Parks and Recreation, as custodian of the fund, or his designee, shall periodically file a voucher, with all original receipts totalling the cash claimed expended being attached to it, in support of the reimbursement of expenditures from the fund;

(5) Reimbursement must be approved and allowed at any regular or special meeting of the Park and Recreation Board and made in the same manner as is required for other expenditures of the Parks and Recreation Department.

(C) That the fund shall be established by a warrant drawn from the proper appropriated or non-appropriated balance of the Parks and Recreation (General) Fund, as the Park and Recreation Board may direct, in the amount of five hundred dollars (**\$175**), in support of the establishment of such a petty change fund:

(1) That the establishing warrant and such successive warrants as shall be necessary to re-supply the fund, shall be drawn in favor of the Superintendent of Parks and Recreation who shall convert the warrant to cash;

(2) That the Superintendent of Parks and Recreation shall account for it in the same manner as is required of other funds of the town;

(D) That the entire petty cash fund authorized and established pursuant to this section of the code shall be returned to the Parks and Recreation (General) Fund whenever there is a change in the custodian of the fund;

(E) That the entire cash change fund authorized and established pursuant to this section of the code shall be returned to the Parks and Recreation (General) Fund or in the absence of this fund, the Corporate General Fund of the municipality whenever the purposes of the fund have substantially changed or the fund is no longer needed.

§ 150.61 SPECIAL NONREVERTING CAPITAL FUND.

(A) There is hereby created and established a special non-reverting capital fund for the purposes of acquiring land or making specific capital improvements to facilities and plant under the jurisdiction of the Parks and Recreation Department.

(B) Expenditures from this fund may only be for the purposes for which this fund was established, upon appropriation of the fiscal body of the Town of Highland, which such purposes are as follows:

(1) Acquisition of land for parks and recreation;

(2) Acquisition and installation of playground equipment;

(3) Vehicle acquisition and replacement;

(4) Equipment acquisition and replacement;

(5) Making improvements to parks, buildings and facilities under the control of the Park and Recreation Board including surface grading or paving to pleasure walkways, pleasure driveways, boulevards, bicycle or pedestrian paths or trails or sidewalks and parking lots serving parks under the board's jurisdiction;

(6) Making improvements to tennis courts;

(7) Paying engineering costs associated with any of the purposes enumerated herein;

- (8) Paying costs associated with any project, article, vehicle or equipment listed and approved in a duly adopted resolution of the Park and Recreation Board, associated with a lawful bond issue of the Park District.

(9) Paying interest and principal on bonds used to finance improvements described herein as well interest costs associated with temporary loans made for the Park District Bond and Interest Fund;

(10) Making capital lease payments to acquire equipment or make improvements described herein;

(C) That the sources of money for the fund may be as follows:

(1) An appropriation in the annual budget in the Park and Recreation General Fund of the Parks and Recreation Department;

(2) Proceeds from the sale of surplus or other property of the Parks and Recreation Department, both real and personal;

(3) Interest earned from the investment of moneys on deposit to the credit of the fund, provided such investments are conducted pursuant to I.C. 5-13-9 et seq.;

(4) A gift or donations from any person or entity which is specifically designated to the fund and its purposes;

(5) Any designated contributions from developers or other persons or entities in consequence of negotiated agreements which are presented in support of construction, reconstruction or improvement for public parks or parks and recreation facilities;

(6) Proceeds from the sale of bonds issued pursuant to IC 36-10-3-24.

(7) Grants or other intergovernmental reimbursements that are in consequence of the lawful purposes of the fund.

(D) That expenditures from the fund may be made from the proper category of expense and for the purposes of the fund, only after an appropriation has been made in the manner provided by statute for making other appropriations and shall be disbursed only on approved accounts payable vouchers allowed by the Park and Recreation Board, at a regular or special meeting pursuant to I.C. 5-11-10, I.C. 36-5-4 and I.C. 36-10-3 et seq.;

(E) That all unused and unencumbered monies do not revert to the Park and Recreation General Fund nor to any fund but the fund created by this section;

(F) The unused and unencumbered balance of an appropriation does not revert but remains in full force and effect to the credit of the fund created by this section.
(Ord. 1068, passed 6-23-97)

§150.62 SHARP ATHLETIC COMPLEX CASH CHANGE FUND.

(A) There is hereby authorized, created and established a cash change fund for use at the Sharp Athletic Facility to be known as the Sharp Athletic Complex Cash Change Fund, pursuant to the provisions of I.C. 36-1-8 et seq.;

(B) That the Superintendent of Parks and Recreation and such employees as he may designate, are permitted to collect cash revenues at the Sharp Athletic Facility, in order to support the duties outlined in and to carry-out the purposes of this chapter:

(1) That the Superintendent of Parks and Recreation is permitted to establish a cash change fund in support of this section;

(2) That such a fund must be established by a warrant drawn upon the appropriate fund in favor of the Superintendent of Parks and Recreation, who is the custodian of the fund;

(C) That the fund shall be established by a warrant drawn from the proper appropriated or non-appropriated balance of the Parks and Recreation (General) Fund, as the Park and Recreation Board may direct, in the amount of \$175, in support of the establishment of such a cash change fund:

(1) *That the establishing warrant and such successive warrants as shall be necessary to resupply the fund, shall be drawn in favor of the Superintendent of Parks and Recreation who shall convert the warrant to cash;*

(2) That the Superintendent of Parks and Recreation and such employees as he may designate, shall use it to make change when collecting cash revenues for programs conducted at the Sharp Athletic Complex; and

(3) *That the Superintendent of Parks and Recreation shall account for it in the same manner as is required of other funds of the town;*

(D) That the entire cash change fund authorized and established pursuant to this section shall be returned to the Parks and Recreation (General) Fund whenever there is a change in the custodian of the fund;

(E) That the entire cash change fund authorized and established pursuant to this section of this code shall be returned to the Parks and Recreation (General) Fund or in the absence of this fund, the Corporate General Fund of the municipality whenever the purposes of the fund have substantially changed or the fund is no longer needed.

§ 150.63 LINCOLN COMMUNITY CENTER CASH CHANGE FUND.

(A) There is hereby authorized, created and established a cash change fund for use at the Lincoln Community Center to be known as the Lincoln Community Center Cash Change Fund, pursuant to the provisions of I.C. 36- 1-8 et seq.;

(B) That the Superintendent of Parks and Recreation and such employees as he may designate, are permitted to collect cash revenues at the Lincoln Community Center Facility, in order to support the duties outlined in and to carryout the purposes of this chapter:

(1) That the Superintendent of Parks and Recreation is permitted to establish a cash change fund in support of this section;

(2) That such a fund must be established by a warrant drawn upon the appropriate fund in favor of the Superintendent of Parks and Recreation, who is the custodian of the fund;

(C) That the fund shall be established by a warrant drawn from the proper appropriated or non-appropriated balance of the Parks and Recreation (General) Fund, as the Park and Recreation Board may direct, in the amount of \$175, in support of the establishment of such a cash change fund:

(1) That the establishing warrant and such successive warrants as shall be necessary to resupply the fund, shall be drawn in favor of the Superintendent of Parks and Recreation who shall convert the warrant to cash;

(2) That the Superintendent of Parks and Recreation and such employees as he may designate, shall use it to make change when collecting cash revenues for programs conducted at the Lincoln Community Center; and

(3) That the Superintendent of Parks and Recreation shall account for it in the same manner as is required of other funds of the town;

(D) That the entire cash change fund authorized and established pursuant to this section shall be returned to the Parks and Recreation (General) Fund whenever there is a change in the custodian of the fund;

(E) That the entire cash change fund authorized and established pursuant to this section of this code shall be returned to the Parks and Recreation (General) Fund or in the absence of this fund, the Corporate General Fund of the municipality whenever the purposes of the fund have substantially changed or the fund is no longer needed.

§ 150.64 MAIN SQUARE CASH CHANGE FUND.

(A) There is hereby authorized, created and established a cash change fund for use at the Main Square Park to be known as the Main Square Cash Change Fund, pursuant to the provisions of I.C. 36- 1-8 et seq.;

(B) That the Superintendent of Parks and Recreation and such employees as he may designate, are permitted to collect cash revenues at the buildings and grounds of the Main Square Park, in order to support the duties outlined in and to carryout the purposes of this chapter:

(1) That the Superintendent of Parks and Recreation is permitted to establish a cash change fund in support of this section;

(2) That such a fund must be established by a warrant drawn upon the appropriate fund in favor of the Superintendent of Parks and Recreation, who is the custodian of the fund;

(C) That the fund shall be established by a warrant drawn from the proper appropriated or non-appropriated balance of the Parks and Recreation (General) Fund, as the Park and Recreation Board may direct, in the amount of \$175, in support of the establishment of such a cash change fund:

(1) That the establishing warrant and such successive warrants as shall be necessary to resupply the fund, shall be drawn in favor of the Superintendent of Parks and Recreation who shall convert the warrant to cash;

(2) That the Superintendent of Parks and Recreation and such employees as he may designate, shall use it to make change when collecting cash revenues for programs or activities conducted at the Main Square Park; and

(3) That the Superintendent of Parks and Recreation shall account for it in the same manner as is required of other funds of the town;

(D) That the entire cash change fund authorized and established pursuant to this section shall be returned to the Parks and Recreation (General) Fund whenever there is a change in the custodian of the fund;

(E) That the entire cash change fund authorized and established pursuant to this section of this code shall be returned to the Parks and Recreation (General) Fund or in the absence of this fund, the Corporate General Fund of the municipality whenever the purposes of the fund have substantially changed or the fund is no longer needed. (Ord. 1393)

§ 150.99 PENALTY.

(A) Any person, entity or organization who shall violate any provisions of this chapter shall be fined in the amount set forth in the designated schedule as a payable offense subject to admission before the Violations Clerk of the Ordinance Violation Bureau in the amount set forth in the Admissions Clerk Payable Offenses Schedule in § 131.06.

(B) If such persons, entity or organization shall violate any provisions of this chapter, and there is a failure to satisfy the civil violation as set forth in Chapter 131 of this code, then such violations shall be construed as justiciable offenses and shall be subject to a fine of not less than \$25 per violation, nor more than \$2,500. Each day of such unlawful activity as is prohibited shall be deemed a separate offense.
('83 Code, § 13-47) (Ord. 515C.1, passed 7-14-86; Am. Ord. 1012, passed 5-22-150)

Section 3. That the provisions of any existing ordinances generally and **Ordinance No. 1242** in particular, which are in conflict with the provisions set forth in this ordinance are of no further force or effect and are hereby repealed;

Section 4. That the provisions set forth in this ordinance shall become and remain in full force and effect thereafter, immediately following the date of its passage and adoption upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 25th day of August 2008. Consideration on same day or at same meeting of introduction was not sought, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 8th Day of September 2008 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 3 in favor and 2 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. Works Board Order No. 2008-21: An Order of the Works Board Offering Direction Regarding the Manner of Funding for the VIPS Parks Public Safety Fund and Recreation Board regarding the manner of distribution of its Parks/VIPS Revenue sharing ILCA.

Councilor Novak moved the passage and adoption of Works Board Order No. 2008-21. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The Order was adopted.

**Town of Highland
Board of Works
Order of the Works Board 2008-21**

An Order of the Works Board Offering Direction Regarding the Manner of Funding for the VIPS Parks Public Safety Fund

Whereas, The Town Council for the Town of Highland is the Works Board of the Municipality pursuant to IC 36-1-2-24(3);

Whereas, The Town Council and the Parks and Recreation Board did pass and adopt in July 2008 an interlocal cooperation agreement related to a revenue sharing plan between the Parks and Recreation Department and the Metropolitan Police Department's Volunteers in Policing Service (VIPS);

Whereas, The aforementioned agreement provided for the payments to be made in a manner as directed by the Town Council;

Whereas, The Town Council now desires to offer instruction on the manner of the payments,

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, as follows:

Section 1 That the Town Council and the Park and Recreation Board did adopt an interlocal cooperation agreement regarding a revenue sharing plan between the Parks and Recreation Department and the Metropolitan Police Department, particularly involving the Volunteers in Policing Service (VIPS);

Section 2. That in Section 5 (b) of the aforementioned agreement, it provides in pertinent part: *"The Parks and Recreation Department and Park District through its Park and Recreation Board agrees that it **shall** contribute the equivalent amount of six thousand dollars (\$6,000) annually, which may be pro-rated as needed, provided from the proceeds of the communications license agreement according to the terms of this agreement, payable from its proper Fund which may be described herein, then to be deposited in the VIPS/ Parks Public Safety Fund described in this agreement, to be payable in installments of \$500 per month, or quarterly installments of \$1,500 per quarter or in a lump sum, or in such amount or fashion as the **Town Council** may direct;"*

Section 3. That owing to the date of the adoption of the aforementioned agreement, the Town Council should provide direction on the manner and fashion of the payments of the revenue contribution to the VIPS/Parks Public Safety Fund;

Section 4. That Park and Recreation Board shall cause contributions to be made as follows:

(A) That for the remainder of the current year, the contributions to the VIPS/Parks Public Safety Fund shall be in the amount of \$1,500 monthly until there shall be deposited the amount of \$6,000;

(B) That beginning in FY 2009 and thereafter pursuant to the terms of the interlocal cooperation agreement referenced herein, the contributions to the VIPS/Parks Public Safety Fund shall be in the amount of \$500 monthly.

Be it so Ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 8th day of September 2008 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

3. Authorization for the Proper Officer to advertise for additional appropriations in the Local Seized Asset and Forfeiture Fund (Notice to follow) and the Corporation Capital Fund.

Councilor Herak moved to authorize the proper officers to advertise for a public hearing for additional appropriations for the Corporation Capital Fund. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The hearing advertisement was authorized.

Councilor Herak moved to authorize the proper officers to advertise for a public hearing for additional appropriations for the Local Seized Asset and Forfeiture Fund. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The hearing advertisement was authorized.

4. **Resolution No. 2008-38:** An Exigent Resolution Providing for the Transfer of Appropriation Balances from and among Major Budget Classifications in the Municipal Cumulative Capital Development Fund and in the Metropolitan Police Department of the Corporation General Fund as Requested by the Department Head or Proper Officer and Forwarded to the Town Council for its action pursuant to IC 6-1.1-18-6. *The transfers are necessary to account for the award of a reimbursement grant in which 75% of the cost of acquisition is funded by grant and 25% is locally funded, permitting the Metropolitan Police Department to equip Police Cars with Computer peripheral equipment to support "e-citations" functions, allowing the scanning of drivers licenses bar codes. Total cost of the acquisition is estimated at \$18,879.75.*

Councilor Herak moved the passage and adoption of Resolution 2008-38. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN of HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2008-38

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT FUND AND IN THE METROPOLITAN POLICE DEPARTMENT OF THE CORPORATION GENERAL FUND as REQUESTED by the DEPARTMENT HEAD or PROPER OFFICER and FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the annual budget and it is now necessary to transfer certain appropriations into different categories than were appropriated in the annual budget for the various functions of the **Municipal Cumulative Capital Development Fund** and the **Metropolitan Police Department in the Corporation General Fund**;

WHEREAS, The Town Council has been advised that the transfers could involve creation and authorization of a major expense category, for which no appropriations were approved in the current budget;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes herein specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing appropriations of the Municipal Cumulative Capital Development Fund have unobligated balances which will not be needed at this time for the purposes for which appropriated, so it will not be necessary to increase the 2008 budget, and may be transferred to a category of appropriation not heretofore present in this department or office of the fund, but now hereby authorized and established, as follows:

MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT FUND

Reduce Accounts:	#430.10 Police Computers	\$ 2,214.00
	<i>Total 400 Series Reductions</i>	\$ 2,214.00
Increase Account:	#230.08 Police E-Citation Equip.	\$ 2,214.00
	<i>Total 200 Series Increases</i>	\$ 2,214.00
Total of All Fund Decreases:		\$ 2,214.00
Total of All Fund Increases:		\$ 2,214.00

Section 3. That it has been shown that certain existing appropriations of the **Metropolitan Police Department in the Corporation General Fund** have unobligated balances which will not be needed at this time for the purposes for which appropriated, so it will not be necessary to increase the 2008 budget, and may be transferred to a category of appropriation not heretofore present in this department or office of the fund, but now hereby authorized and established, as follows:

CORPORATION GENERAL FUND

Metropolitan Police Department

Reduce Accounts:	#320.03 Telephones	\$ 2,505.94
	<i>Total 300 Series Reductions</i>	\$ 2,505.94
Reduce Accounts:	#210.01 Gasoline	\$ 14,159.81
	<i>Total 200 Series Reductions</i>	\$ 14,159.81
Increase Account:	#230.08 Police E-Citation Equip.	\$ 16,665.75
	<i>Total 200 Series Increases</i>	\$ 16,665.75
Total of All Fund Decreases:		\$ 16,665.75
Total of All Fund Increases:		\$ 16,665.75

DULY RESOLVED and ADOPTED this 8th Day of September 2008 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

Committee Reports

Councilor Mark Herak: *Parks and Recreation Board Liaison Advisory Board of Zoning Appeals Liaison • Board of Sanitary Commissioners Liaison • Special Events Advisory Committee, Liaison.*

Councilor Herak reported that the Sanitary District met with representatives from Chris Burke and Associates regarding exploring feasibility of establishing detention or retention basins for managing the watershed near and along the Cady Marsh Ditch.

Councilor Herak reported from the Parks and Recreation Department that any bond financing for the proposed retrofit and reconstruction of the Lincoln Community Center would not be undertaken before FY 2009. It was also reported that the multi-agency transportation enhancement funding was awarded to Highland and Munster Parks and Recreation for the project to construct and install bridges over the Cady Marsh ditch and the Spring ditch to connect and link the several community bike trails.

Councilor Dan Vassar: • *Building and Inspection Committee • Plan Commission member.*

Councilor Vassar presented a brief survey of matters soon to come before the Plan Commission.

Councilor Brian Novak: • *Waterworks Board Liaison • Fire Personnel Committee Lake County Solid Waste Management District Board of Directors member • Insurance Committee, member.*

Councilor Novak reported from the Water Board that hydrant testing and flushing had been completed.

Councilor Konnie Kuiper: *Town Board of Metropolitan Police Commissioners Liaison • Traffic Safety Commission Member • Chamber of Commerce Liaison.*

Councilor Kuiper reported that the Police Department had recently received bids or quotes for three new police cars.

Amendment of Agenda. Councilor Kuiper moved that the Agenda be amended to permit consideration of an instruction regarding prohibiting alcohol in all municipal places. Councilor Novak seconded. Upon a roll call vote, a 2/3rds vote being necessary, there were five affirmatives and no negatives. The motion passed and the agenda was amended.

Instruction prohibiting alcohol. Councilor Kuiper moved that steps be taken to eliminate the sales and consumption of alcohol in any municipal public building, property, and public way, provided that Langel's, as an entity granted a license to encroach on the public sidewalk in front of his restaurant on Highway Avenue, be permitted to continue the activity. Councilor Novak seconded. Upon a roll call vote, there were three affirmatives and two negatives. With Councilors Vassar, Novak and Kuiper voting in the affirmative and Councilors Herak and Zemen voting in the negative, the motion passed. The instruction to prohibit alcohol was adopted. It was noted that it would require the passage and adoption of an ordinance to carry-out these purposes.

Councilor Bernie Zemen: *Town Executive • Police Pension Board of Trustees Chair • Budget Committee Chair • Redevelopment Commission Liaison • Plan Commission member • Insurance Committee, member.*

The Town Council President reported that the Redevelopment Commission continued to refine its request for qualifications seeking responses related to Master developer services.

Comments from the Public for Matters not on the Agenda.

1. Joe Bartok, 9324 Spring Creek Drive, Highland, inquired about the property located at the intersection of fifth Street and Highway Avenue, and the Triple XX Taxi Company's storage of vehicles on the site.
2. Dean Stannis, 9324 Spring Creek Drive, Highland, expressed unhappiness about the delayed demolition of the building formerly operated as McDonald's, located on 3900 block of Ridge Road, north side. McDonalds relocated to the south side at the site of the former Obie's Restaurant.
3. Rick Volbrecht, 9221 Parkway Drive, Highland, commented favorably on the nature of the debate conducted by the Town Council regarding alcohol in public places.
4. Jim Diehl, 10104 Kennedy Avenue, Highland, commented that Little League prohibits alcohol at any of its events.
5. Joe Wszolek, 3731 42nd Place, Highland, reported that he was aware of a food vendor who participated in the recent Zest Fest at Main Square expressed his desire to locate his food business in Highland. Mr. Wszolek further revealed that he referred the vendor to Cecile Petro.

Mr. Wszolek noted that the public comment period associated with the proposed acquisition of some of portions of the EJ and E Railroad lines by the Canadian National Railroad, was to end on September 30. Mr. Wszolek inquired whether or not the Town Council had taken a position on the acquisition.

Mr. Wszolek further expressed concerns about the proposed size of the Park Bond that would be associated with the pending renovation of the Lincoln Community Center and expressed concerns about the ability to repay the bonds.

6. Vern Sieb, 3024 Lakeside Drive, Highland, referred to development occurring near the intersection of Main Street and Kennedy Avenue, and inquired about the challenges with drainage. Mr. Seib stated that he at one time expressed interest in purchasing and developing the site to which he referred and was discouraged by the drainage issues.
7. Joe Wszolek, 3731 42nd Place, Highland, referring to the matter of the bond issue to support the reconstruction and renovation of Lincoln Community Center inquired if any analysis had been performed about the impact of the bond issue on collections for the unit.
8. Vern Sieb, 3024 Lakeside Drive, Highland, expressed his belief that the Industrial Park of Highland, where his business is located, remains in the Flood Plain. Mr. Sieb inquired about what steps could be undertaken to remove the location from this designation.

Payment of Accounts Payable Vouchers. There being no further business from the floor, Councilor Novak moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period August 26, 2008 through to September 08, 2008. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers were allowed and the clerk-treasurer was authorized to make payment.

General Fund, \$284,617.52; Motor Vehicle Highway and Street (MVH) Fund, \$19,302.55; Federal Forfeited and Seized Asset Fund, \$1,201.86; Law Enforcement Continuing Education and Training Fund, \$6,318.64; FSA Agency Fund, \$586.44; Insurance Premium Fund, \$100,910.87; Information and Communications Technology Fund, \$6,136.56; Solid Waste District Grant Fund, \$436.00; Donation Fund, \$379.75; Special Events Non Reverting Fund, \$2,747.10; Highland Building Acquisition Project Fund, \$233.63; Police Pension Fund, \$58,209.37; Municipal Cumulative Capital Development Fund, \$19,780.00; General Improvement Fund, \$12.00; Total: \$ 500,872.29.

Adjournment. Councilor Vassar moved that the regular meeting be adjourned. Councilor Kuiper seconded. Upon a vote, voce, the motion passed. The regular meeting of the Town Council meeting of Monday, September 08, 2008 was adjourned at 8:40 O'clock p.m.

Study Session. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session following the regular meeting on Monday, September 08, 2008 at 8:45 O'clock P.M. in the regular place, the upper meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark A. Herak, Dan Vassar, Brian Novak and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Town Attorney; and Kenneth J. Mika, Building Commissioner were also present.

General Substance of Matters Discussed.

1. The Town Attorney and the Town Council discussed the policy merits of modifying the form of the agenda. The discussion included the merits of eliminating the reports of committees and the public comment period for matters on the agenda as items of business.
2. The Town Attorney briefed the Town Council regarding a recent legal cause of action brought against the Town by Margaret Hagerman and the ACLU over a code enforcement action over the display of a political sign outside the display period expressed in the Zoning Code. The Town Council, the Town Attorney and the Building Commissioner discussed the events which gave rise to the enforcement and then the legal proceedings. It was noted that The discussion included some of the legal remedies being sought by Ms. Hagerman and the ACLU, including injunctive relief from the enforcement of the regulations related to the display of political signs, the elimination of the provisions by amendment of the code, and some monetary payment to Ms. Hagerman and to the ACLU.

The Town Attorney expressed his opinion that the constitutional questions raised by Ms Hagerman and the ACLU were strong and the very poor likelihood of the political sign provisions being upheld. The Town Council and the Town Attorney discussed generally parameters related to any negotiated settlement. The Town Council offered no objection to the Town Attorney proceeding to negotiate a settlement with the litigants.

It was noted that a review of available funds would be needed. It was further noted that the Rainy Day Fund had been identified to fund excess insurance deductibles in the previously adopted strategic plan for FY 2008. It was further noted that the enabling ordinance for the fund would require amendment to permit its use for this purpose.

There being no further business to discuss by the Town Council or the others present, the study session following the regular meeting on Monday, September 08, 2008 was adjourned at 9:16 O'clock P.M.

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer